EXPLANATION OF

44

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله حمدا كثيرا طيبا مباركا فيه كما يحب ربنا ويرضى، الحمد لله الذي علم بالقلم، علم الإنسان ما لم يعلم، والصلاة والسلام على أشرف الأنبياء والمرسلين، نبينا محمد، وعلى آله وصحبه أجمعين، اما بعد:

RECAP

Last class we completed the ninth cause of Ghusl which was Ghuslul Jumu'ah, and we mentioned whether it was Wājib or not. We said it is closer to being Wājib and we mentioned why, and that was after we mentioned the dispute in detail with the proofs and the rationales of the Ulamā.

UṢŪL AL-FIQH PRINCIPLE REGARDING THE OBLIGATION OF JUMUʿAH GHUSL

There is something that I wanted to add and it is something that some students of knowledge may benefit from إن شاء الله. It pertains to a concept of Usūl that some Ulamā mentioned that may apply in this Mas'alah.

That concept is that, when a Hadīth includes additional rulings or wording it should be acted upon. Because the addition constitutes an independent legal indication.

Some of the Shāfi'iyyah said:

يُؤْخَذُ بِالزَّائِدِ فَالزَّائِد

And it is a concept mentioned by other Ulamā like Ibn Hazm and Al Shawkanī and Ibn Dhaqīq Al Īd and others.

How does it apply here? We know from last class that some narrations appear to indicate that Ghusl for Jumu'ah is Sunnah. Other narrations contain an extra ruling. There is a direct command making Ghusl Wājib. That additional wording indicating that it is Wājib should be accepted rather than disregarded because it represents additional knowledge and an added legal ruling.

We went over the Hadīth:

فَلْيَغْتَسِلْ

Let him perform Ghusl

which is like an order.

And we went over the Hadīth:

الْغُسْلُ يَوْمَ الْجُمُعَةِ وَاجِبٌ

Ghusl on Friday is Wājib.

Narrations like these contain an additional legal indication beyond what is understood from Hadīth Āishā رضي الله عنها and Hadīth Samurah Ibn Jundub رضي الله عنه, which may imply that it is recommended. So this additional wording indicating that it is Wājib should be accepted.

THE RULING IS TIED TO ATTENDING JUMUʿAH.

The second point pertaining to this Mas'alah that I wanted to talk about is that, whether you take the opinion that it is Wājib or the opinion that it is Mustahabb, keep in mind that the Ghusl of Jumu'ah is specifically regarding attending Salātul Jumu'ah. We sometimes say 'Ghuslul Jumu'ah' or 'Ghuslu Yawmil Jumu'ah', meaning 'Ghusl of the day of Jumu'ah'. And that wording (The Ghusl of the day of Jumu'ah') is actually mentioned in one of the narrations. But what is meant is Ghusl for attending the Salāh itself.

So the Ghusl is not tied to the day of Jumu'ah itself. It is not tied to whether Jumu'ah is obligatory upon you or not. It is about actually going to Salātul Jumu'ah.

INCLUDES WOMEN WHO ATTEND JUMUʿAH.

Keeping that in mind, this leads to a third point that I wanted to clarify and that is, that Ghusl of Jumu'ah includes women if they are attending the Salāh. It includes women or travelers who wish to attend the Salāh or slaves or anyone else who is attending the Salāh. This Ghusl doesn't apply for someone who is not attending the Salāh itself, like someone who is traveling and wishes not to attend Salātul Jumu'ah or someone who is ill or someone who is surrounded by Masājid of Dirār or anyone with a valid excuse for not attending the Salāh of Jumu'ah itself.

And this is derived from some of the meanings of some of the Ahādīth on this topic and because this Ibādah of Ghusl for Jumu'ah is about cleanliness and removing bad smells that may bother other Muslims who are attending the Salāh. So a woman is included if she wants to attend. And on top of that, there are some narrations that specifically mention women:

مَنْ جَاءَ مِنْكُنَّ الْجُمُعَةَ فَلْتَغْتَسِلْ

And it was also reported that Shaqīq ibn Salamah who is among the Tābi'īn, used to instruct both the men and the women of his household to perform Ghusl on Friday.

And this completes Ghuslul Jumu'ah.

THE TENTH CAUSE OF GHUSL: (الغُسْلُ مِنْ زَوَالِ الْعَقْلِ) GHUSL DUE TO LOSS OF CONSCIOUSNESS.

The next cause of Ghusl is:

الغُسْلُ مِنْ زَوَالِ الْعَقْلِ

Ghusl due to loss of consciousness.

There is really not a need to include this here, but for the sake of completing our study I'll mention it. The reason that there is little need to discuss this is because we are only including causes of Ghusl that the Ulamā dispute as being Wājib or not. With Ghusl due to loss of consciousness, there is no strong basis for considering it obligatory for two reasons.

- Some Ulamā related an Ijmā' that this is not Wājib. They said there is an Ijmā' that it is not Wājib, (even though that Ijmā' may be questionable).
- Secondly, the opinion that it is Wājib is so weak that some Ulamā said it is Shādh.

So if a person becomes mentally incapacitated for a period of time then regains capacity, or if someone faints or undergoes surgery and they give him general anesthesia and then that person recovers, does that person need to do Ghusl?

THE FIRST OPINION: IT IS NOT WĀJIB.

The first opinion is that, that person does not have to do Ghusl. It is not Wājib upon that person to do Ghusl. And this was the opinion of the overwhelming majority of the Ulamā. Some like Ibn Mundhir and others went as far as saying that there is an Ijmā' that it is not Wājib.

TWO POSITIONS OF THIS OPINION

This opinion can be split into two positions. Both views say it is not Wājib. That is why we have it as the first opinion. Both say it is not Wājib. However;

1. Some said it is not Wājib and it is not even recommended.
2. Some said it is not Wājib but it is recommended (meaning it is Sunnah).

PROOF

The proof for this is that, when the Messenger ﷺ was on his deathbed and he lost consciousness then regained it, he said:

"ضَعُوا لِي مَاءً فِي الْمِخْضَبِ" فَفَعَلْنَا، فَاغْتَسَلَ

So the Messenger ﷺ did Ghusl after he recovered. But this opinion says it is not Wājib. Their reasoning is that this Hadīth does not contain any evidence that the Ghusl was performed because of the unconsciousness itself. They said the Ghusl was performed out of need. He ﷺ did it so that he can regain strength and energy and go out and lead the Salāh.

How do we know that the reason for the Ghusl was to gain strength and energy so he can lead the Sahābah in the Salāh? They said, it is because the Messenger ﷺ did not ask for water to perform Ghusl until he was told that the people are gathered in the

Masjid waiting for you to lead the Salāh. Had the Salāh been in his house he would not have performed Ghusl. He did Ghusl to help him gain strength and energy so he can go out and lead the Salāh.

Al Qādī Iyād said that, the Ghusl in this Hadīth is not even a Ghusl, it is really Wudū. However, that is a weak interpretation that goes against the apparent wording of the text of the Hadīth.

The bottom line is that there is a difference between Ghusl for the purpose of strength and refreshment (that is the reason the Messenger ﷺ did Ghusl here in this Hadīth), and between Ghusl because of unconsciousness.

THE SECOND OPINION: IT IS WĀJIB.

The second opinion is that it is Wājib. This is one of the opinions of the Hanābilah and one of the opinions of the Shāf'iyyah and An Nawawī said it is Shādh.

THE RATIONALE

They said that unconsciousness and insanity are generally causes for the emission of semen. And they said that, whatever is a likely cause of major impurity is treated as though the impurity itself has occurred. They compared it to sleep. They said sleep is treated as a cause of minor impurity (that is something we spoke about in detail when we went over the causes of Wudū).

REBUTTAL

The response to this argument is that passing of wind during sleep has no sign. One can't wake up and see any traces of him passing wind. So sleep is treated as equivalent to the occurrence of impurity or Hadath itself.

The emission of semen is different. Why? Because it has recognizable signs that one can see on the body and clothing. And because of this, Ghusl is not obligatory merely because of sleep, even though sleep involves loss of awareness. The factor that necessitates Ghusl has identifiable indications on the clothes or body that point to its occurrence, unlike the nullification of Wudū by passing wind.

THE RĀJIH: IT IS NOT WĀJIB.

So the view of the overwhelming majority of the Ulamā that it is not Wājib is the strong correct view.

This concludes our discussion on the Ghusl that is Wājib. The author mentioned six causes of Ghusl because he follows the Hanbalī Madhhab. We added four which were mentioned by different Ulamā from other Madhāhib, and we discussed each one to see whether it is Wājib or not.

SOME RECOMMENDED GHUSLS THAT ULAMĀ DISCUSSED WHETHER THEY WERE SUNNAH OR NOT

Now there are other causes of Ghusl the Ulamā discussed. But they fall under Al-Aghsāl al-Mustaḥabbah (the recommended Ghusls). The Ulamā deferred whether they were Sunnah or not. The discussion regarding them is not about whether they were Wājib or not, but whether they are Sunnah or not.

For example;

- The Ghusl for Salāt al-Khusuf.

- The Ghusl for the Eid prayers.
- The Ghusl for the Ihrām in Hajj and 'Umrah.
- The Ghusl to enter Makkah.
- The Ghusl for the day of A'rafah.
- The Ghusl to stand on the day of Muzdalifah.
- The Ghusl to throw your stones in Hajj.

The Ulamā disputed whether they were Sunnah or not, not whether they were Wājib or not.

PURIFICATION FROM NAJĀSAH

الطَّهَارَةُ مِنَ النَّجَاسَةِ

Continuing with the author's outline, the author now begins to talk about Purification from Najāsah (الطَّهَارَةُ مِنَ النَّجَاسَةِ).

AN NAJĀSAH (النَّجَاسَةُ)

REMOVAL OF IMPURITIES; بَوْلٌ، وَغَائِطٌ (URINE AND FECES)

The first subheading under this section is Najāsah. Then he mentions:

بَوْلٌ، وَغَائِطٌ

(Urine and feces)

Here the author mentions the Najāsāt, and the Fuqahā do the same; they list what is Najis. They don't make a list of what is pure. The reason they list the Najāsāt is that they are limited and specific. If you were to list everything that is Tāhir (pure), it would be too lengthy and extensive. Because the default ruling regarding things is purity. And that is why you see the Fuqahā listing the Najāsāt.

PROOFS FOR IMPURITY OF (بَوْل) (HUMAN URINE)

As to human urine it is impure, and you can take that from;

- The Hadīth of the Bedouin in Sahīh al-Bukhārī, where the Messenger ﷺ told the Sahābah

  " لا تُزْرِمُوهُ ". ثُمَّ دَعَا بِدَلْوٍ مِنْ مَاءٍ فَصُبَّ عَلَيْهِ.

  He told the Sahābah when they stood up to stop him.

  لا تُزْرِمُوهُ

  Don't interrupt him.

  ثُمَّ دَعَا بِدَلْوٍ مِنْ مَاءٍ فَصُبَّ عَلَيْهِ.

  Then he ordered the Sahābah to pour a bucket of water over the urine.

  The point is that the Messenger ﷺ instructed the Sahābah to pour water over it, which means it is Najis.

- Another proof is thatwhen the Messenger ﷺ passed by two graves and he said; *"they are being punished, even though they are not being punished for something that people consider major".*

  وَأَمَّا الآخَرُ، فَكَانَ لا يَسْتَنْزِهُ مِنْ بَوْلِهِ

  One of them didn't guard himself from his urine

- Also, in Sahīh al-Bukhārī, when they used to bring boys to the Messenger ﷺ so that he can make du'a for them. And one of the boys that was brought to the Messenger

ﷺ urinated on his clothes. So he ﷺ asked for water and he poured it over where there was urine and he did not wash it.

PROOFS FOR IMPURITY OF (غَائِط) (HUMAN FECES)

The evidence for the impurity of feces is Qiyās. It is clear Qiyās which is; Qiyās Jalī or Qiyāsul Awlā. If the impurity of urine is established (as we mentioned) by textual evidence, then the impurity of feces is established with even greater reason. Because it is more severe in impurity. This is very simple and clear.

ULAMĀ HAVE AN IJMĀ' THAT URINE AND FECES OF ADULT HUMAN BEINGS ARE IMPURE.

In fact, the Ulamā have an Ijmā' that urine and feces of adult human beings are Najis (impure). Many Ulamā related the Ijmā'. Al-Tahāwī, Ibn Taymiyyah, Ibn Abdel Barr, Ibn Rushd and many others indicated that there was an Ijmā' on this matter.

We started late so we are going to stop here إن شاء الله. And in the short time left, we'll take some questions. And in the future we are not going to delay the class even if there are students coming from a long distance, because we have to start right on time إن شاء الله.

الحمد لله رب العالمين، وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

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